

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DAVID PALMA,

Defendant.

20-cr-71 (PKC)

ORDER

CASTEL, Senior District Judge:


On May 26, 2021, defendant was sentenced principally to a term of imprisonment of 60 months. (Minute Entry; ECF 41.)

On November 3, 2023, defendant moved for a sentence reduction (ECF 44) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively. The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction. (ECF 45.)

Defendant did not receive a “Status Points” adjustment because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. He is potentially eligible for a “Zero-Points Offender” reduction because he had zero criminal history points. However, at a new Total Offense Level of 27 and Criminal History Category I his revised Guidelines range would be 70 to 87 months imprisonment. His original sentence of principally 60 months imprisonment is lower than the amended Guidelines range and hence he is ineligible for a reduction.

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 44) is DENIED.

SO ORDERED.

  
P. Kevin Castel  
United States District Judge

Dated: April 16, 2024  
New York, New York

COPY MAILED TO:

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